

EXHIBIT A

EXHIBIT A

From: Kristen Johnson Parker

Sent: Wednesday, September 04, 2013 10:28 AM

To: 'Alan Winchester'; 'Brady Hermann'; 'Daniel M. Rabinovitz'; 'Daniel Tranen'; 'Frederick H. Fern'; 'Geoffrey M. Coan'; 'Heidi A. Nadel'; 'Jeffrey Sternklar'; 'Jessica Saunders Eichel'; 'Joseph P. Thomas'; 'Joshua A. Klarfeld'; 'Judi Abbott Curry'; 'Matthew E. Mantalos'; 'Matthew P. Moriarty'; 'Melinda L. Thompson'; 'Michael Gottfried'; 'Nicki Samson'; 'Paul Moore'; 'Paul Saltzman'; 'Richard A. Dean'; 'Robert A. Curley, Jr.'; 'Ryan Ciporkin'; 'Scott H. Kremer'; 'Scott J. Tucker'; 'Thomas W. Coffey'; 'Alan J. Bozer'; 'Allen Neely'; 'Brett J. Bean'; 'C. Houston Foppiano'; 'Clinton R. Shaw'; 'Cynthia A. Palin'; 'David E. Fialkow'; 'David H. Batten'; 'Emmittee H. Griggs'; 'Eric J. Hoffman'; 'G. Adam Moyers'; 'Halley M. Stephens'; 'Jack R. Reinholtz'; 'Jason D. Lewis'; 'Jay Blumberg'; 'Joanna J. Chen'; 'John M. Lovely'; 'Joseph R. Lang'; 'Kenneth B. Walton'; 'Kristen R. Ragosta'; 'Marcy H. Greer'; 'Mark E. Anderson'; 'Martin Hyman'; 'Mary-Rose Watson'; 'Matthew Daly'; 'Michael Gardner'; 'Sean E. Capplis'; 'Stephen A. Grossman'; 'Theresa A. Domenico'; 'Thomas Althausen'; 'Timothy J. Dardas'; 'William E. Christie'; 'Yvonne K. Puig'

Cc: Thomas M. Sobol; 'Kimberly A. Dougherty' (kdougherty@myadvocates.com); 'Patrick T. Fennell'; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); gerards@branstetterlaw.com; Frederic Ellis

Subject: NECC: revised case management schedule

Below is a proposed revised case management schedule. It addresses both the unaffiliated defendants and the affiliated defendants. If a defendant, or groups of defendants, resolve claims against them through settlement or opt into mediation, the schedule can be further revised as appropriate.

I would ordinarily suggest a meet and confer on Friday, but because of the holiday we will have a call tomorrow instead: **Thursday, September 5 at 3:30 Eastern**. If any defendant wishes to participate but cannot make that time please send an email with thoughts or give me a call directly.

US TOLL FREE: +1-855-749-4750

Access code: 921 817 677

The PSC intends to file a proposed revised case management schedule next Wednesday, September 11 – before the September 12 status conference. We hope that we can jointly propose an agreed upon CMO. But we recognize that, as a practical matter, there may wind up being competing proposals filed on that date.

Event	Date / deadline
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Fact discovery (a) as to all Affiliated Defendants, Unaffiliated Defendants, and non-parties for all purposes, and (b) as to plaintiffs for purposes of determining bellwether cases.	Begins forthwith, subject to the Mediation Order as it may apply as to any participating defendant.
Responsive pleadings to all complaints directly filed or transferred into the MDL by August 28, 2013 due. (All responsive pleadings for	September 25, 2013

cases directly filed or transferred into the MDL after August 28, 2013 will be due 21 days after service).	
Master Complaint filed.	November 5, 2013
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Fact discovery closes (excluding non-bellwethers).	Completed by January 31, 2014
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All common responsive expert reports due.	March 31, 2014
All common rebuttal expert reports due.	April 30, 2014
All common expert deposition to be completed.	May 30, 2014
Summary judgment and <i>Daubert</i> briefing	Completed by July 31, 2014
Trial(s)	September 2014

Kristen Johnson Parker | Associate
Hagens Berman Sobol Shapiro LLP
 55 Cambridge Parkway, Suite 301 - Cambridge, MA 02142
 Direct: (617) 475-1961
 Email kristenjp@hbsslw.com | www.hbsslw.com | [HBSS Blog](http://HBSSBlog.com)



Named to [2011 Plaintiff's Hot List](#) by *The National Law Journal*



EXHIBIT B

EXHIBIT B

From: Kristen Johnson Parker <kristenjp@hbsslaw.com>
Sent: Wednesday, September 04, 2013 11:39 AM
To: Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
Cc: Thomas Sobol; 'Kimberly A. Dougherty' (kdougherty@myadvocates.com); Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); Gerard Stranch; Frederic Ellis; Mike Barker
Subject: RE: NECC: revised case management schedule

My effort to avoid Rosh Hashanah failed. We will have this call on **Monday, September 9 at 10:00 am** Eastern instead. Same dial in.

Since we hope to get a joint CMO turned around by Wednesday, I strongly encourage those with comments to send them to me before the Monday call.

Kristen Johnson Parker | **Hagens Berman Sobol Shapiro LLP** | Direct: (617) 475-1961

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Named to 2011 Plaintiffs Hot List by *The National Law Journal*



EXHIBIT C

EXHIBIT C

From: Kimberly A. Dougherty <KDougherty@myadvocates.com>
Sent: Friday, September 06, 2013 12:58 PM
To: Kristen Johnson Parker; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittie H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
Cc: Thomas Sobol; Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); Gerard Stranch; Frederic Ellis; Mike Barker
Subject: RE: NECC: revised case management schedule
Attachments: NECC Shedule.docx

Attached is an updated schedule, which adds case specific deadlines. In order to accommodate them, things had to be moved around. Also, the motion to dismiss deadline was moved per a defendant's request. The PSC is still reviewing, however, I wanted to get the updates to you today for consideration.

Many of the PSC members are unavailable at 10 on Monday, let's have the call at 12 EST. Same dial in as listed below.

Thank you.

Schedule also in this email for convenience:

Event	Date / deadline
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Fact discovery (a) as to all Affiliated Defendants, Unaffiliated Defendants, and non-parties for all purposes, and (b) as to plaintiffs for purposes of determining bellwether cases.	Begins forthwith, subject to the Mediation Order as it may apply as to any participating defendant.
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Deadline for Completion of Plaintiff Profile Form for cases wishing to be in the first bellwether pool	January 3, 2013
Selection of six (6) bellwether cases finalized to pursue case specific discovery.	January 17, 2013
Common fact discovery closes (excluding non-bellwethers).	Completed by February 14, 2014
All common expert reports due.	February 28, 2014
All common responsive expert reports due.	March 31, 2014
All common rebuttal expert reports due.	April 30, 2014
Case specific bellwether discovery closes.	April 30, 2014
Narrowing of bellwether cases to 2 cases for trial	May 16, 2014
All common expert deposition to be completed.	May 30, 2014
Case specific expert reports due. Simultaneous disclosure by plaintiff and defendant.	May 30, 2014
Case specific expert depositions completed.	June 30, 2014
Summary judgment and <i>Daubert</i> briefing	Completed by July 31, 2014

Trial(s)

September 2014

Best, Kim

Kim Dougherty, Esquire
 Janet, Jenner & Suggs, LLC
 31 St. James Avenue
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kdougherty@myadvocates.com
www.myadvocates.com

*** PLEASE NOTE OUR NEW ADDRESS

From: Kristen Johnson Parker [kristenjp@hbsslaw.com]

Sent: Wednesday, September 04, 2013 12:38 PM

To: Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig

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Trial(s)	September 2014

EXHIBIT D

EXHIBIT D

From: Grossman, Stephen <sgrossman@mmwr.com>
Sent: Monday, September 09, 2013 10:41 AM
To: Kristen Johnson Parker; Moore, Paul D.; Moriarty, Matthew; Kimberly A. Dougherty; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Sternklar, Jeffrey D.; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Melinda L. Thompson; Gottfried, Michael R.; Nicki Samson; Paul Saltzman; Dean, Richard; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Coffey, Thomas W.; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmitt H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
Cc: Thomas Sobol; Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); Gerard Stranch; Frederic Ellis; Mike Barker; Hayes, Michael; Mykulak, Kristin Muir
Subject: RE: NECC: revised case management schedule

Thank you for providing us with a draft of your proposed revisions to the Case Management Schedule in advance of our telephone call. We had an opportunity to review the schedule and to discuss it among several of the unaffiliated defendants, including Inspira Health Network, Inc., Inspira Medical Centers, Inc., Carilion Surgery Center New River Valley, LLC d/b/a New River Valley Surgery Center, LLC, Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberly Yvette Smith, M.D. We have several concerns that we are interested in discussing during our 12:00 p.m. call.

First, there are a number of items that we need clarification on - specifically, what is meant by "common fact discovery" and "common expert discovery"? What type of information is this meant to pertain to, all cases or only the six bellwether cases? Also, how are you proposing to select the six bellwether cases? That may impact timing.

Second, we have several issues we'd like to discuss with regard to the schedule:

Fact Discovery:

1) According to the proposed schedule, plaintiffs are only required to produce documents for the purposes of determining bellwether cases. As you are no doubt aware, under the Rules of Civil Procedure, discovery is reciprocal. Defendants are entitled to discovery from the plaintiffs that have filed cases against them, as well as discovery that has been produced from the affiliated defendants.

2) The schedule states that "Common fact discovery closes (excluding non-bellwethers)" by February 14, 2014. This implies that discovery will continue non-bellwether cases, yet sets forth no schedule for the closure of fact discovery on these other cases. There needs to either be a parallel track/discovery schedule for non-bellwether cases with a reasonable end-date, or an understanding that discovery is stayed during the pendency of the bellwether cases.

Responsive Pleadings:

1) The Master Complaint should be filed before any responsive pleadings are due. We propose that the Master Complaint be filed on September 25, 2013. If discovery is needed before the filing of a Master Complaint, then push out the filing of the Master Complaint until the end of October, with responsive pleadings due 30 days thereafter.

2) As it stands, the schedule allows plaintiffs to file an amended complaint, but requires that "Generic Motions to Dismiss" be filed 3 days later. The schedule should allow for parties to file Motions to Dismiss or responsive pleadings to the Master Complaint and then another round of motions or responsive pleadings following the filing of any amended complaint. Indeed, the Rules of Civil Procedure require that defendants answer/respond to amended pleadings; as such, the schedule should provide the necessary timing to do so.

Motions to Dismiss:

1) There have been a number of parties that have already filed motions to dismiss based on the pleadings, and those parties may wish to have those motions to dismiss argued at the earliest opportunity.

2) Following the filing of the Master Complaint, how will motions to dismiss against the individual complaints be treated?

We look forward to speaking with you shortly.

Steve

Stephen A. Grossman | Partner

Montgomery McCracken Walker & Rhoads LLP LibertyView | 457 Haddonfield Road, Suite 600 | Cherry Hill, NJ 08002

Tel: 856-488-7767 | Fax: 215-731-3849 | SGrossman@mmwr.com _____

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-----Original Message-----

From: Kristen Johnson Parker [mailto:kristenjp@hbsslaw.com]

Sent: Monday, September 09, 2013 8:09 AM

To: Moore, Paul D.; Moriarty, Matthew; Kimberly A. Dougherty; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Sternklar, Jeffrey D.; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Melinda L. Thompson; Gottfried, Michael R.; Nicki Samson; Paul Saltzman; Dean, Richard; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Coffey, Thomas W.; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Grossman, Stephen; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig

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Subject: RE: NECC: revised case management schedule

Yes. Noon Eastern today.

US TOLL FREE: +1-855-749-4750

Access code: 921 817 677

From: Moore, Paul D. [PDMoore@duanemorris.com]

Sent: Monday, September 09, 2013 7:47 AM

To: Moriarty, Matthew; Kimberly A. Dougherty; Kristen Johnson Parker; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Sternklar, Jeffrey D.; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Melinda L. Thompson; Gottfried, Michael R.; Nicki Samson; Paul Saltzman; Dean, Richard; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Coffey, Thomas W.; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig

Cc: Thomas Sobol; Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); gerards@branstetterlaw.com; Frederic Ellis; Mike Barker

Subject: RE: NECC: revised case management schedule

Is the call being moved to noon?

[Duane Morris LLP]

www.duanemorris.com<<http://www.duanemorris.com/>>

Paul D. Moore
Partner

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VCARD<http://www.duanemorris.com/attorneys/vCard/1443.vcf>

From: Moriarty, Matthew [mailto:Matthew.Moriarty@TuckerEllis.com]

Sent: Friday, September 06, 2013 2:42 PM

To: Kimberly A. Dougherty; Kristen Johnson Parker; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Sternklar, Jeffrey D.; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Melinda L. Thompson; Gottfried, Michael R.; Nicki Samson; Moore, Paul D.; Paul Saltzman; Dean, Richard; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Coffey, Thomas W.; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althausen; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
Cc: Thomas Sobol; Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); gerards@branstetterlaw.com; Frederic Ellis; Mike Barker
Subject: RE: NECC: revised case management schedule

- 1) So the call is now at noon Monday?
- 2) Is a PSC member complying with my earlier request for an agenda of all items to be discussed, beyond this CMO ?

Matthew P. Moriarty | Attorney | Tucker Ellis LLP

950 Main Avenue, Suite 1100 | Cleveland, OH 44113

Direct: 216-696-2276 | Fax: 216-592-5009 | Cell: 216-952-2063

matthew.moriarty@tuckerellis.com<mailto:matthew.moriarty@tuckerellis.com>

Online biography - Matthew

Moriarty<http://www.tuckerellis.com/attorneys/matthew-moriarty>

tuckerellis.com<http://www.tuckerellis.com/>

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From: Kimberly A. Dougherty [mailto:KDougherty@myadvocates.com]

Sent: Friday, September 06, 2013 1:58 PM

To: Kristen Johnson Parker; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Moriarty, Matthew; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Dean, Richard; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Coffey, Thomas W.; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
Cc: Thomas Sobol; Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com<mailto:Marc@liptonlaw.com>); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com<mailto:mchalos@lchb.com>); gerards@branstetterlaw.com<mailto:gerards@branstetterlaw.com>; Frederic Ellis; Mike Barker
Subject: RE: NECC: revised case management schedule

Attached is an updated schedule, which adds case specific deadlines. In order to accommodate them, things had to be moved around. Also, the motion to dismiss deadline was moved per a defendant's request. The PSC is still reviewing, however, I wanted to get the updates to you today for consideration.

Many of the PSC members are unavailable at 10 on Monday, let's have the call at 12 EST. Same dial in as listed below.

Thank you.

Schedule also in this email for convenience:

Event

Date / deadline

Fact discovery as to liability of NECC.

Stayed until further order of the court.

Fact discovery (a) as to all Affiliated Defendants, Unaffiliated Defendants, and non-parties for all purposes, and (b) as to plaintiffs for purposes of determining bellwether cases.

Begins forthwith, subject to the Mediation Order as it may apply as to any participating defendant.

Answers to all complaints directly filed or transferred into the MDL by August 28, 2013 due. (All answers for cases directly filed or transferred into the MDL after August 28, 2013 will be due 21 days after service).

September 25, 2013

Master Complaint and form Short Form Complaint filed.

November 5, 2013

Deadline to file an amended complaint, Short Form Complaint or a joinder to the Master Complaint for the previously filed cases and any cases wishing to be in the first bellwether pool

November 29, 2013

Deadline to file Generic Motions to Dismiss (case specific motions at a later date if case is selected for bellwether trial)

December 2, 2013

Deadline for Completion of Plaintiff Profile Form for cases wishing to be in the first bellwether pool

January 3, 2013

Selection of six (6) bellwether cases finalized to pursue case specific discovery.

January 17, 2013

Common fact discovery closes (excluding non-bellwethers).

Completed by February 14, 2014

All common expert reports due.

February 28, 2014

All common responsive expert reports due.

March 31, 2014

All common rebuttal expert reports due.

April 30, 2014

Case specific bellwether discovery closes.

April 30, 2014

Narrowing of bellwether cases to 2 cases for trial

May 16, 2014

All common expert deposition to be completed.

May 30, 2014

Case specific expert reports due. Simultaneous disclosure by plaintiff and defendant.

May 30, 2014

Case specific expert depositions completed.

June 30, 2014

Summary judgment and Daubert briefing

Completed by July 31, 2014

Trial(s)

September 2014

Best, Kim

Kim Dougherty, Esquire
Janet, Jenner & Suggs, LLC
31 St. James Avenue
Suite 365
Boston, MA 02116
(617) 933-1265
kdougherty@myadvocates.com<mailto:kdougherty@myadvocates.com>
www.myadvocates.com<http://www.myadvocates.com/>

*** PLEASE NOTE OUR NEW ADDRESS

From: Kristen Johnson Parker [kristenjp@hbsslaw.com]
Sent: Wednesday, September 04, 2013 12:38 PM
To: Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
Cc: Thomas Sobol; Kimberly A. Dougherty; Patrick T. Fennell; Marc Lipton
(Marc@liptonlaw.com<mailto:Marc@liptonlaw.com>); Mark Zamora; Chalos, Mark P.
(mchalos@lchb.com<mailto:mchalos@lchb.com>); gerards@branstetterlaw.com<mailto:gerards@branstetterlaw.com>; Frederic Ellis; Mike Barker
Subject: RE: NECC: revised case management schedule
My effort to avoid Rosh Hashanah failed. We will have this call on Monday, September 9 at 10:00 am Eastern instead. Same dial in.

Since we hope to get a joint CMO turned around by Wednesday, I strongly encourage those with comments to send them to me before the Monday call.

Kristen Johnson Parker | Hagens Berman Sobol Shapiro LLP | Direct: (617) 475-1961

From: Kristen Johnson Parker
Sent: Wednesday, September 04, 2013 10:28 AM
To: 'Alan Winchester'; 'Brady Hermann'; 'Daniel M. Rabinovitz'; 'Daniel Tranen'; 'Frederick H. Fern'; 'Geoffrey M. Coan'; 'Heidi A. Nadel'; 'Jeffrey Sternklar'; 'Jessica Saunders Eichel'; 'Joseph P. Thomas'; 'Joshua A. Klarfeld'; 'Judi Abbott Curry'; 'Matthew E. Mantalos'; 'Matthew P. Moriarty'; 'Melinda L. Thompson'; 'Michael Gottfried'; 'Nicki Samson'; 'Paul Moore'; 'Paul Saltzman'; 'Richard A. Dean'; 'Robert A. Curley, Jr.'; 'Ryan Ciporkin'; 'Scott H. Kremer'; 'Scott J. Tucker'; 'Thomas W. Coffey'; 'Alan J. Bozer'; 'Allen Neely'; 'Brett J. Bean'; 'C. Houston Foppiano'; 'Clinton R. Shaw'; 'Cynthia A. Palin'; 'David E. Fialkow'; 'David H. Batten'; 'Emmittee H. Griggs'; 'Eric J. Hoffman'; 'G. Adam Moyers'; 'Halley M. Stephens'; 'Jack R. Reinholtz'; 'Jason D. Lewis'; 'Jay Blumberg'; 'Joanna J. Chen'; 'John M. Lovely'; 'Joseph R. Lang'; 'Kenneth B. Walton'; 'Kristen R. Ragosta'; 'Marcy H. Greer'; 'Mark E. Anderson'; 'Martin Hyman'; 'Mary-Rose Watson'; 'Matthew Daly'; 'Michael Gardner'; 'Sean E. Capplis'; 'Stephen A. Grossman'; 'Theresa A. Domenico'; 'Thomas Althaus'; 'Timothy J. Dardas'; 'William E. Christie'; 'Yvonne K. Puig'

Deadline to file an amended complaint or a joinder to the Master Complaint

November 29, 2013

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Fact discovery closes (excluding non-bellwethers).

Completed by January 31, 2014

All common expert reports due.

February 28, 2014

All common responsive expert reports due.

March 31, 2014

All common rebuttal expert reports due.

April 30, 2014

All common expert deposition to be completed.

May 30, 2014

Summary judgment and Daubert briefing

Completed by July 31, 2014

Trial(s)

September 2014

Kristen Johnson Parker | Associate
Hagens Berman Sobol Shapiro LLP
55 Cambridge Parkway, Suite 301 - Cambridge, MA 02142
Direct: (617) 475-1961
Email kristenjp@hbsslaw.com<<mailto:kristenjp@hbsslaw.com>> | www.hbsslaw.com<<http://www.hbsslaw.com>> | HBSS
Blog<<http://www.classactionlawtoday.com/>>

[cid:image005.jpg@01CEAD30.C60365F0]

Named to 2011 Plaintiff's Hot List<<http://www.hbsslaw.com/newsroom/?nid=2107>> by The National Law Journal

[cid:image006.png@01CEAD30.C60365F0] <<http://www.facebook.com/pages/Seattle-WA/Hagens-Berman/118070921551259>> [cid:image007.png@01CEAD30.C60365F0] <<http://twitter.com/classactionlaw>>

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EXHIBIT E

EXHIBIT E

From: Kimberly A. Dougherty <KDougherty@myadvocates.com>
Sent: Tuesday, September 10, 2013 12:11 PM
To: Kimberly A. Dougherty; Kristen Johnson Parker; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althausen; Timothy J. Dardas; William E. Christie; Yvonne K. Puig; cohara@toddweld.com
Cc: Thomas Sobol; Patrick T. Fennell; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); Gerard Stranch; Frederic Ellis; Mike Barker
Subject: RE: NECC: revised case management schedule
Attachments: NECC Schedule (PSC).docx

Thank you for participating in the meet and confer yesterday. Please see the edited Proposed Schedule attached. I recognize that we may need to agree to disagree on the 9/25/13 Answer deadline and the Bellwether Selection deadline of 1/17/14, but otherwise, the PSC would like to submit this is a joint schedule. Please advise. Thanks.

Best, Kim

Kim Dougherty, Esquire
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31 St. James Avenue
Suite 365
Boston, MA 02116
(617) 933-1265
kdougherty@myadvocates.com
www.myadvocates.com

*** PLEASE NOTE OUR NEW ADDRESS

From: Kimberly A. Dougherty
Sent: Friday, September 06, 2013 1:58 PM
To: Kristen Johnson Parker; Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmittee H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althausen; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
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Trial(s)	September 2014

Best, Kim

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31 St. James Avenue
Suite 365
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www.myadvocates.com

*** PLEASE NOTE OUR NEW ADDRESS

From: Kristen Johnson Parker [kristenjp@hbsslaw.com]

Sent: Wednesday, September 04, 2013 12:38 PM

To: Alan Winchester; Brady Hermann; Daniel M. Rabinovitz; Daniel Tranen; Frederick H. Fern; Geoffrey M. Coan; Heidi A. Nadel; Jeffrey Sternklar; Jessica Saunders Eichel; Joseph P. Thomas; Joshua A. Klarfeld; Judi Abbott Curry; Matthew E. Mantalos; Matthew P. Moriarty; Melinda L. Thompson; Michael Gottfried; Nicki Samson; Paul Moore; Paul Saltzman; Richard A. Dean; Robert A. Curley, Jr.; Ryan Ciporkin; Scott H. Kremer; Scott J. Tucker; Thomas W. Coffey; Alan J. Bozer; Allen Neely; Brett J. Bean; C. Houston Foppiano; Clinton R. Shaw; Cynthia A. Palin; David E. Fialkow; David H. Batten; Emmitt H. Griggs; Eric J. Hoffman; G. Adam Moyers; Halley M. Stephens; Jack R. Reinholtz; Jason D. Lewis; Jay Blumberg; Joanna J. Chen; John M. Lovely; Joseph R. Lang; Kenneth B. Walton; Kristen R. Ragosta; Marcy H. Greer; Mark E. Anderson; Martin Hyman; Mary-Rose Watson; Matthew Daly; Michael Gardner; Sean E. Capplis; Stephen A. Grossman; Theresa A. Domenico; Thomas Althaus; Timothy J. Dardas; William E. Christie; Yvonne K. Puig
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Subject: RE: NECC: revised case management schedule

My effort to avoid Rosh Hashanah failed. We will have this call on **Monday, September 9 at 10:00 am** Eastern instead. Same dial in.

Since we hope to get a joint CMO turned around by Wednesday, I strongly encourage those with comments to send them to me before the Monday call.

Kristen Johnson Parker | **Hagens Berman Sobol Shapiro LLP** | Direct: (617) 475-1961

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Cc: Thomas M. Sobol; 'Kimberly A. Dougherty' (kdougherty@myadvocates.com); 'Patrick T. Fennell'; Marc Lipton (Marc@liptonlaw.com); Mark Zamora; Chalos, Mark P. (mchalos@lchb.com); gerards@branstetterlaw.com; Frederic Ellis
Subject: NECC: revised case management schedule

Below is a proposed revised case management schedule. It addresses both the unaffiliated defendants and the affiliated defendants. If a defendant, or groups of defendants, resolve claims against them through settlement or opt into mediation, the schedule can be further revised as appropriate.

I would ordinarily suggest a meet and confer on Friday, but because of the holiday we will have a call tomorrow instead: **Thursday, September 5 at 3:30 Eastern**. If any defendant wishes to participate but cannot make that time please send an email with thoughts or give me a call directly.

US TOLL FREE: +1-855-749-4750

Access code: 921 817 677

The PSC intends to file a proposed revised case management schedule next Wednesday, September 11 – before the September 12 status conference. We hope that we can jointly propose an agreed upon CMO. But we recognize that, as a practical matter, there may wind up being competing proposals filed on that date.

Event	Date / deadline
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Fact discovery (a) as to all Affiliated Defendants, Unaffiliated Defendants, and non-parties for all purposes, and (b) as to plaintiffs for purposes of determining bellwether cases.	Begins forthwith, subject to the Mediation Order as it may apply as to any participating defendant.
Responsive pleadings to all complaints directly filed or transferred into the MDL by August 28, 2013 due. (All responsive pleadings for cases directly filed or transferred into the MDL after August 28, 2013 will be due 21 days after service).	September 25, 2013
Master Complaint filed.	November 5, 2013
Deadline to file an amended complaint or a joinder to the Master Complaint	November 29, 2013
Determination of six (6) bellwether cases finalized.	December 31, 2013
Fact discovery closes (excluding non-bellwethers).	Completed by January 31, 2014
All common expert reports due.	February 28, 2014
All common responsive expert reports due.	March 31, 2014
All common rebuttal expert reports due.	April 30, 2014
All common expert deposition to be completed.	May 30, 2014
Summary judgment and <i>Daubert</i> briefing	Completed by July 31, 2014
Trial(s)	September 2014

55 Cambridge Parkway, Suite 301 - Cambridge, MA 02142
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Email kristenjp@hbsslaw.com | www.hbsslaw.com | [HBSS Blog](#)



Named to 2011 Plaintiff's Hot List by *The National Law Journal*



Event	Date / deadline
Fact discovery as to liability of NECC.	Stayed until further order of the court.
Fact discovery (a) as to all Affiliated Defendants, Unaffiliated Defendants, and non-parties for all purposes, and (b) as to plaintiffs for purposes of determining bellwether cases.	Begins forthwith, subject to the Mediation Order as it may apply as to any participating defendant.
Answers to all complaints directly filed or transferred into the MDL in one year statute states (TN, OH, AL, KY, LA) by August 28, 2013 due. (All answers for cases involving plaintiffs or defendants from TN, OH, AL, KY, LA directly filed or transferred into the MDL after August 28, 2013 will be due 21 days after service).	September 25, 2013
Master Complaint and form Short Form Complaint filed.	November 5, 2013
Deadline to file Short Form Complaint joining the Master Complaint for the previously filed cases and any cases wishing to be in the first bellwether pool	November 29, 2013
Deadline to file Master Answers and/or Generic Motions to Dismiss (case specific motions at a later date if case is selected for bellwether trial)	December 2, 2013
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